

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Sitcha Richard,
(A95 461 653), Petitioner

V.

Frederick MacDonald, High
Sheriff, Franklin County
House of Corrections; Tom
Ridge, Secretary, Department
of Homeland Security; Michael
Garcia, Assistant Secretary
(Designee), Bureau of Immigration
and Customs Enforcement (ICE);
Eduardo Aguire, Acting Director,
Bureau of Citizenship and
Immigration Services("CIS");
Bruce Chadbourne, Interim Director,
ICE, Boston, Respondents

Case No. 04-CV-300090-MAP

FILED
IN CLERK'S OFFICE
2005 APR 18 A 11:56
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

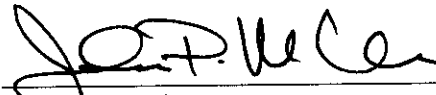
**MOTION IN OPPOSITION TO DEFENDANTS' MOTION TO LIFT STAY AND
REQUEST FOR STAY OF DEPORTATION PENDING 60 DAY APPEAL
PERIOD, PURSUANT TO F.R.A.P. RULE 4(a)(1)(B)**

I, John P. McKenna as Counsel for the Petitioner, Sitcha Richard, respectfully request the Court to continue the Stay of Deportation pending exhaustion of the sixty (60) day statutory appeal period.

F.R.A.P. Rule 4(a)(1)(B), states "When the United States or its officer or Agency is a party, the notice of appeal may be filed by any party within 60 days after the judgment or order appealed from is entered." On March 31st 2005, the Honorable District Court Justice Michael A. Ponsor dismissed the Petitioner's Petition for Habeas Corpus. The Petitioner is actively in the process of securing counsel to represent his interests on the possibility of an appeal to the United States 1st Circuit Court of Appeals.

I would respectfully ask the Court to continue the Stay of Deportation and allow the Petitioner to remain in the United States during the period of March 31st through May 30th 2005 for purposes of securing counsel during this 60(sixty)day appeal period.

Respectfully submitted,

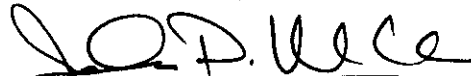
A handwritten signature in black ink, appearing to read "John P. McKenna", written over a horizontal line.

John P. McKenna
1537 Main Street, Suite 305
Springfield, MA 01103
(413)787-9995

Certificate of Service

I hereby certify that I served a copy of the foregoing motion, by hand delivery, this 18th day of April 2005 on:

Assistant United States Attorney
Karen Goodwin
U.S. Attorney's Office
1550 Main Street, Room 310
Springfield, MA 01103


John P. McKenna